

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NORTH READING SCHOOL
COMMITTEE, Plaintiff

v.

BUREAU OF SPECIAL EDUCATION
APPEALS OF THE MASSACHUSETTS
DEPARTMENT OF EDUCATION,
MASSACHUSETTS DEPARTMENT OF
EDUCATION, AND TIMOTHY AND
COURTNEY GRAFTON, AS PARENTS
AND NEXT FRIEND OF M.G.,
Defendants

Civ. No. 05-11162 RCL

**NORTH READING SCHOOL COMMITTEE'S
MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, North Reading School Committee, and moves this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure for Summary Judgment in its favor. As grounds therefore the Plaintiff states that the final decision issued by the Bureau of Special Education Appeals of the Massachusetts Department of Education was contrary to law, contained significant errors and ought to be set aside. Those errors include (1) failure to determine whether the Parents were eligible for tuition reimbursement under 20 U.S.C. § 1412(a)(10)(C); (2) failure to apply the correct standard for determining whether North Reading offered the Student a free and appropriate public education and failure to consider federal and state requirements that a Student be educated in the least restrictive environment; (3) the Hearing Officer's failure to recognize the disputed issue was one of methodology which required a finding in favor of

the District; and (4) the Hearing Officer's failure to find that Landmark was not appropriate.

The Plaintiff submits the attached Memorandum of Law and Concise Statement of Material Facts in support of its Motion.

WHEREFORE the Plaintiff, North Reading School Committee, respectfully requests that this Court grant its Motion and enter judgment in its favor.

Date: April 7, 2005

Respectfully submitted,

The Plaintiff,

North Reading School Committee

By its attorneys,

SULLIVAN & NUTTALL, P.C.

/s/ Thomas J. Nuttall

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

Date: April 7, 2005

/s/Thomas J. Nuttall

Thomas J. Nuttall